

DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 135

CRANE AND HOISTING OPERATING ENGINEERS

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Sub-Chapter 3

Definitions

24.135.301 DEFINITIONS For purposes of this subchapter, the following definitions apply:

(1) "Bureau" means the business and occupational licensing bureau of the department of labor and industry.

(2) "Hoist" means a power driven apparatus capable of lifting and lowering loads involving no horizontal movement.

(3) "Crane" means a machine for lifting and lowering a load and moving it horizontally, with the hoisting mechanism an integral part of the machine. It may be fixed or mobile.

(4) "Gantry crane" or "trolley crane" mean a crane similar to an overhead crane except that the bridge for carrying the trolley or trolleys is rigidly supported on two or more legs running on fixed rails or other runway.

(5) "Line truck" means a truck with a standard manufacturer's truck chassis equipped with a hydraulically operated telescoping boom and may be equipped with a rotary digging device.

(6) "Bucket truck" is a truck with a personnel lifting device designed to lift personnel to work stations above ground.

(7) "Tower crane" is a crane with a vertical mast extending from a base support with a jib and/or boom attached to the mast at the opposite end (or near the opposite end) of the base support. The vertical mast is seldom, if ever, less than 50 feet in length when the crane is in operation. (History: 50-76-112, MCA; IMP, 50-76-101, 50-76-102, 50-76-103, MCA; NEW, 1983 MAR p. 1300, Eff. 11/26/83; TRANS, from Dept. of Labor and Industry, 1995 MAR p. 1133, Eff. 7/1/95; AMD, 1998 MAR p. 453, Eff. 2/13/98; TRANS, from Commerce, 2005 MAR p. 581.)

Sub-Chapter 4

General Provisions

24.135.401 PURPOSE (1) The business and occupational licensing bureau has the statutory duty to enforce all laws concerning the safety and protection of workers, and has the responsibility to license hoisting operators, mine hoisting operators and crane operators. (History: 50-71-301, MCA; IMP, 50-71-301, 50-76-102, 50-76-103, MCA; NEW, 1983 MAR p. 1300, Eff. 11/26/83; TRANS, from Dept. of Labor and Industry, 1995 MAR p. 1133, Eff. 7/1/95; TRANS, from Commerce, 2005 MAR p. 581.)

Rules 24.135.402 through 24.135.409 reserved

24.135.410 PROCEDURE TO PROHIBIT USE OF EQUIPMENT IN VIOLATION OF TITLE 50, CHAPTER 76 CONCERNING HOISTING ENGINES AND CRANE OPERATORS (1) The bureau, upon finding the use of equipment without a licensed operator, as defined in ARM 24.135.301, 24.135.401, 24.135.501, 24.135.516, or 24.135.530, shall attach to such equipment notice of violation under 50-71-325, MCA, and shall prohibit the further use of the machine

until a licensed operator is available to operate the machine. The bureau may also proceed under 50-76-109, MCA, if there is not compliance under 50-71-325, MCA.

(2) Any person aggrieved by an order prohibiting the use of a machine under these rules or any other order affecting the licensing of an operator may request an administrative review before the bureau in Helena. The review may be by telephone and shall be governed by ARM 1.3.212 through 1.3.225 and 1.3.233. Following the review, the bureau shall affirm, modify or revoke the order.

(3) All rehearing and appeal rights shall be as stated in 50-71-331, 50-71-332, 50-71-333 and 50-71-334, MCA.

(4) In addition to all other remedies, the bureau may bring an action in an appropriate court to enjoin any violation of Title 50, chapter 76, Hoisting Engines, as provided in 50-71-326, MCA. (History: 50-71-301, MCA; IMP, 50-71-325, 50-76-109, MCA; NEW, 1983 MAR p. 1300, Eff. 11/26/83; TRANS, from Dept. of Labor and Industry, 1995 MAR p. 1133, Eff. 7/1/95; TRANS, from Commerce, 2005 MAR p. 581.)

Sub-Chapter 5

Licensing

24.135.501 HOISTING OPERATORS LICENSE REQUIREMENTS

(1) No person shall operate any hoisting equipment except as listed under (8) of this rule, without first obtaining a hoisting operator's license from the bureau, unless meeting requirements of (6).

(2) The following hoisting licenses are issued under 50-76-102, MCA, that are applicable to other than mine hoisting equipment:

- (a) first-class hoisting license;
- (b) second-class hoisting license.

(3) A person applying for a hoisting operator's license under 50-76-102, MCA, shall meet the following requirements:

- (a) have passed their 18th birthday;
- (b) have passed a physical examination within 180 days prior to a new application and present this report to the department, or present proof of passing an applicable physical examination. A biennial physical examination shall be required after the license is granted. The biennial physical examination report, or proof of passing an applicable physical exam shall be presented to the department every second renewal date after the original licensure date, and may not be dated more than 180 days prior to the renewal date of the license.

(c) pass a written or oral examination as prescribed by the bureau.

(4) An applicant for a first-class hoisting operator's license shall have no less than three years experience in the operation of hoisting equipment covered by this section; or if between one and three years of experience, the applicant must pass an actual performance test on the applicable hoisting equipment. This test is conducted by the bureau to determine

equivalent competency and is in addition to the written or oral examination. Applicants with less than one year of experience do not qualify for a first-class hoisting operator's license as described above. Applicants with work experience acquired in states that have no licensing requirements will qualify if their notarized certificate of experience indicates they have the required work experience on the applicable equipment.

(a) The holder of a first-class hoisting operator's license can operate types of hoists which include but are not limited to the following:

(i) elevators in buildings under construction with engines delivering unlimited brake horsepower;

(ii) multiple drum hoists with engines delivering unlimited brake horsepower;

(iii) single drum hoists with engines delivering unlimited brake horsepower;

(iv) all hoists allowed by second-class hoisting operators' licenses.

(5) An applicant for a second-class hoisting operator's license shall have no less than two years' experience in the operation of hoisting equipment covered by this section; or if between one and two years of experience, the applicant must pass an actual performance test on the applicable hoisting equipment. This test is conducted by the bureau to determine equivalent competency and is in addition to the written or oral examination. Applicants with less than one year of experience do not qualify for a second-class hoisting operator's license as described above. Applicants with work experience acquired in states that have no licensing requirements will qualify if their notarized certificate of experience indicates they have the required work experience on the applicable equipment.

(a) The holder of a second-class hoisting operator's license can operate the following types of hoists:

(i) elevators in buildings under construction with engines delivering up to 100 brake horsepower;

(ii) single drum and multiple drum hoists with engines delivering up to 100 brake horsepower.

(6) Persons operating hoisting equipment listed in this rule who have less than one year of experience must work under the direct supervision of a licensed hoisting operator or participate in a certified apprenticeship training program.

(7) Application for any license must be accompanied by the following:

(a) A notarized certificate of experience provided by the bureau and signed by a person having actual knowledge of the applicant's past work experience.

(b) A report of physical examination filled out and signed by the physician having given the examination. The form is provided by the bureau. An alternate form may be used if approved by the bureau. This physical examination form must also be filled out and submitted for license renewals.

(c) A qualification and experience information form provided by the bureau.

(d) One-half of the license fee. The balance shall be paid upon issuance of the license. In the event the license is not issued, the one-half fee will be forfeited. The fees for licensing are as follows:

- (i) first-class hoisting \$80;
- (ii) second-class hoisting 70;
- (iii) renewals 40;

(A) The license must be renewed within 13 months of obtaining the previous license. If not renewed within this period, the fee will be the same as for the original license. Failure to renew a license within 12 months of the date of expiration will require application procedure as for a new license.

- (iv) lost license replacement 10.

(8) Hoisting operators' licenses need not be obtained to operate the following types of equipment:

- (a) stiff legs;
- (b) front-end and rear-end loaders;
- (c) forklifts;
- (d) hoists and elevators in completed private and public buildings;
- (e) hydraulic man lifts. (History: 50-76-112, MCA; IMP, 50-76-102, 50-76-104, MCA; NEW, 1983 MAR p. 1300, Eff. 11/26/83; TRANS, from Dept. of Labor and Industry, 1995 MAR p. 1133, Eff. 7/1/95; AMD, 1995 MAR p. 2247, Eff. 10/27/95; AMD, 1998 MAR p. 453, Eff. 2/13/98; TRANS, from Commerce, 2005 MAR p. 581.)

Rules 24.135.502 through 24.135.515 reserved

24.135.516 CRANE HOISTING OPERATORS LICENSE REQUIREMENTS

(1) No person shall operate any crane hoisting equipment except as listed in (9) of this rule without first obtaining a crane hoisting operator's license from the bureau, unless meeting requirements of (7).

(2) The following crane hoisting operator's licenses are issued under 50-76-103, MCA:

- (a) first-class crane hoisting;
- (b) first-class crane hydraulic hoisting;
- (c) first-class crane gantry and trolley;
- (d) second-class crane hoisting;
- (e) second-class hydraulic and boom truck;
- (f) third-class crane oiler;
- (g) first-class tower crane;
- (h) second-class tower crane.

(3) A person applying for a crane hoisting operator's license under 50-76-103, MCA, shall meet the following requirements:

- (a) have passed their 18th birthday;
- (b) have passed a physical examination within 180 days prior to a new application and present this report to the department, or present proof of passing an applicable physical

examination. A biennial physical examination shall be required after the license is granted. The biennial physical examination report, or proof of passing an applicable physical examination shall be presented to the department every second renewal date after the original licensure date, and may not be dated more than 180 days prior to the renewal date of the license;

(c) pass a written or oral examination as prescribed by the bureau.

(4) An applicant for a first-class crane hoisting license, first-class crane hydraulic license, first-class tower crane license or a first-class gantry and trolley license shall have no less than three years experience in the operation of crane hoist equipment covered by this rule; or if between one and three years of experience, the applicant must pass an actual performance test on the applicable equipment. This test is conducted by the bureau to determine equivalent competency and is in addition to the written or oral examination. Applicants with less than one year of experience do not qualify for a first-class crane hoisting license as described above. Applicants with work experience acquired in states that have no licensing requirements will qualify if their notarized certificate of experience indicates they have the required work experience on the applicable equipment.

(a) The holder of a first-class crane hoisting license can operate all classes of cranes and hoists except mine hoists.

(b) The holder of a first-class crane hydraulic hoisting license can operate all classes of hydraulic cranes, hydraulic boom trucks and hydraulic hoist equipment only.

(c) The holder of a first-class crane license for gantry and trolley cranes can operate gantry and trolley cranes only.

(d) The holder of a first-class tower crane license can operate all types of tower cranes only.

(5) An applicant for a second-class crane hoisting license, second-class tower crane license or second-class hydraulic and boom truck license shall have no less than two years' experience in the operation of crane hoisting equipment covered by this rule; or if between one or two years of experience, the applicant must pass an actual performance test on the applicable crane hoisting equipment. This test is conducted by the bureau to determine equivalent competency and is in addition to the written or oral examination. Applicants with less than one year of experience do not qualify for second-class crane hoisting licenses as described above. Applicants with work experience acquired in states that have no licensing requirements will qualify if their notarized certificate of experience indicates they have the required work experience on the applicable equipment.

(a) The holder of a second-class crane hoist license can operate cranes up to 15 tons and 60 feet of boom, and hoists with engines delivering up to 100 brake horsepower, except mine hoists.

(b) The holder of a second-class hydraulic license can operate hydraulic cranes or boom trucks up to 15 tons and 60 feet of boom.

(c) The holder of a second-class tower crane license can operate tower cranes up to 16 tons and 60 feet of boom only.

(6) A third-class crane boiler's license requires no experience or physical examination. A third-class crane license authorizes the holder to move truck cranes only.

(7) Persons operating crane hoisting equipment listed in this rule who have less than one year of experience must work under the direct supervision of a qualified crane hoisting operator or participate in a certified apprenticeship training program.

(8) Application for a license must be accompanied by the following:

(a) A notarized certificate of experience signed by a person having actual knowledge of the applicant's past work experience.

(b) A report of physical examination filled out and signed by the physician having given the physical examination. The form is provided by the bureau upon request. An alternate form may be used if approved by the bureau. This physical examination form must also be filled out and submitted for license renewals.

(c) A qualification and experience information form provided by the bureau.

(d) One-half of the license fee. The balance shall be paid upon issuance of the license. In the event the license is not issued, the one-half fee will be forfeited. The fees for licensing are as follows:

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| (i) first-class crane hoisting | \$80; |
| (ii) second-class crane hoisting | 70; |
| (iii) third-class crane hoisting | 60; |
| (iv) renewals | 40; |

(A) The license must be renewed within 13 months of obtaining the previous license. If not renewed within this period, the fee will be the same as for the original license. Failure to renew a license within 12 months of the date of expiration will require application procedures as for a new license.

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| (v) lost license replacement | 10. |
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(9) Crane hoisting operator's licenses need not be obtained to operate the following types of equipment:

(a) crane hoisting equipment that has a manufacturer's rating of six tons or less or a boom length of 25 feet or less;

(b) overhead trolley cranes of any size not used in construction;

(c) equipment with excavation attachments or log loading equipment;

(d) line trucks and bucket trucks. (History: 50-76-112, MCA; IMP, 50-76-103, 50-76-104, MCA; NEW, 1983 MAR p. 1300, Eff. 11/26/83; TRANS, from Dept. of Labor and Industry, 1995 MAR p. 1133, Eff. 7/1/95; AMD, 1995 MAR p. 2247, Eff.

10/27/95; AMD, 1998 MAR p. 453, Eff. 2/13/98; TRANS, from Commerce, 2005 MAR p. 581.)

Rules 24.135.517 through 24.135.529 reserved

24.135.530 MINE HOISTING OPERATORS LICENSE REQUIREMENTS

(1) No person shall operate mine hoisting equipment when used in raising or lowering persons or materials in underground mines without first obtaining a mine hoisting operator's license from the bureau, unless meeting requirements of (8).

(2) The following hoisting licenses are issued under 50-76-102, MCA, that are applicable to mine hoisting equipment:

- (a) first-class mine hoisting operator's license;
- (b) second-class mine hoisting operator's license.

(3) A person applying for a mine hoisting operator's license shall meet the following requirements:

- (a) have passed their 18th birthday;
- (b) have passed a physical examination within 180 days prior to a new application and present this report to the department, or present proof of passing an applicable physical examination. A biennial physical examination shall be required after the license is granted. The biennial physical examination report, or proof of passing an applicable physical examination shall be presented to the department every second renewal date after the original licensure date, and may not be dated more than 180 days prior to the renewal date of the license.

(c) pass a written or oral examination as prescribed by the bureau.

(4) An applicant for a first-class mine hoisting operator's license shall have no less than three years experience in the operation of mine hoisting equipment; or if between one and three years of experience, the applicant must pass an actual performance test operating the applicable mine hoisting equipment. The test is conducted by the bureau to determine equivalent competency and is in addition to the written or oral examination. An applicant with less than one year of experience in the operation of mine hoisting equipment does not qualify for a mine hoisting operator's license as described above. Applicants with work experience acquired in states that have no licensing requirements will qualify if their notarized certificate of experience indicates they have the required work experience on the applicable equipment.

(5) The holder of a first-class mine hoisting operator's license can operate all classes of mine hoists.

(6) An applicant for a second-class mine hoisting operator's license shall have no less than two years of experience in the operation of mine hoisting equipment covered by this section; or if between one and two years of experience, the applicant must pass an actual performance test operating the applicable mine hoisting equipment. The test is conducted by the bureau to determine equivalent competency and is in addition to the written or oral examination. Applicants

with less than one year of experience do not qualify for a second-class mine hoisting operator's license. Applicants with experience acquired in states that have no licensing requirements will qualify if their notarized certificate of experience indicates they have the required work experience on the applicable equipment.

(7) The holder of a second-class mine hoisting operator's license can operate mine hoists with engines delivering up to 100 brake horsepower.

(8) Persons operating mine hoisting equipment listed in this rule who have less than one year of experience must work under the direct supervision of a licensed mine hoisting operator or participate in a certified apprenticeship training program.

(9) Mines using automatic hoists must have a licensed mine hoisting operator readily available.

(10) Application for a license must be accompanied by the following:

(a) A notarized certificate of experience signed by a person having actual knowledge of the applicant's past work experience.

(b) A report of physical examination filled out and signed by the physician having given the examination. The form is provided by the bureau upon request. An alternate form may be used if approved by the bureau. This physical examination form must also be filled out and submitted for license renewals.

(c) A qualification and experience information form provided by the bureau.

(d) One-half of the license fee. The balance shall be paid upon issuance of the license. In the event the license is not issued, the one-half fee will be forfeited. The fees for licensing are as follows:

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| (i) first-class mine hoisting license | \$80; |
| (ii) second-class mine hoisting license | 70; |
| (iii) renewals | 40; |

(A) The license must be renewed within 13 months of obtaining the previous license. If not renewed within this period, the fee will be the same as for the original license. Failure to renew a license within 12 months of the date of expiration will require application procedures as for a new license.

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| (iv) lost license replacement | 10. |
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(History: 50-76-112, MCA; IMP, 50-73-302, 50-76-104, MCA; NEW, 1983 MAR p. 1300, Eff. 11/26/83; TRANS, from Dept. of Labor and Industry, 1995 MAR p. 1133, Eff. 7/1/95; AMD, 1995 MAR p. 2247, Eff. 10/27/95; AMD, 1998 MAR p. 453, Eff. 2/13/98; TRANS, from Commerce, 2005 MAR p. 581.)